

## COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
 Department of the Trial Court  
 of the Commonwealth  
 Civil Action

No. 05-019452

CitiBank, N.A. as Trustee

Plaintiff (s)

v.

## SUMMONS

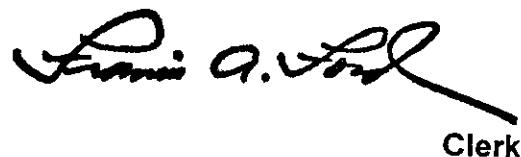
John P. Phelan, Wendy M. Phelan, David La Brie,  
 The United States of America, Defendant (s)  
 O'Callaghan Construction Company and the Commonwealth  
 of MA DOR

\* To the above-named Defendant: John P. Phelan, 1 Catacunamaug Road, Shirley, MA 01464

You are hereby summoned and required to serve upon Raymond C. Pelete  
 Harmon Law Offices, P.C. plaintiff's attorney,  
 whose address is 150 California St., Newton, MA 02458  
 an answer to the complaint which is herewith served upon you, within 20 days after  
 service of this summons upon you, exclusive of the day of service. If you fail to do so,  
 judgement by default will be taken against you for the relief demanded in the complaint.  
 You are also required to file your answer to the complaint in the SUPERIOR COURT  
 Department of the Trial Court at WORCESTER either before service upon plaintiff's  
 attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-  
 claim any claim which you may have against the plaintiff which arises out of the  
 transaction or occurrence that is the subject matter of the plaintiff's claim or you will  
 thereafter be barred from making such claim in any other action.

Witness, SUZANNE V. DEL VECCHIO, Esquire, at Worcester, the ninth  
 day of February in the year of our Lord two thousand and five



Clerk

## NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —  
 CONTRACT/EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

\*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior Court, Room 21.

**PROOF OF SERVICE OF PROCESS****I hereby certify and return that on**

Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221

Middlesex, ss.

March 28, 2005

I hereby certify and return that on 3/25/2005 at 2:25PM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET, TRACKING ORDER, EXHIBIT in this action in the following manner: To wit, by leaving at the last and usual place of abode of JOHN P PHELAN, 1 CATAQUAMMAUG Road, Shirley, MA 01464. Attest (\$5.00), Basic Service Fee (\$20.00), Conveyance (\$4.50), Postage and Handling (\$1.00), Travel (\$16.36) Total Charges \$46.86

*Deacon P. Phelan*  
Deputy Sheriff

**PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.**

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Civil Action

No. 05-00197-B

CitiBank, N.A., As Trustee  
..... Plaintiff

v.

John P. Phelan, et al.  
..... Defendant**SUMMONS**

(Mass. R. Civ. P. 4)

**HARMON LAW OFFICES, P.C.**

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RAYMOND C. PELOTE  
(617) 558-8496  
(617) 244-7304 Facsimile  
rpelote@harmonlaw.com

March 30, 2005

United States District Court  
District of Massachusetts  
Civil Clerk's Office  
John Joseph Moakley US Courthouse  
1 Courthouse Way  
Boston, MA 02210

**Re: Citibank, N.A., as Trustee v. John P. Phelan, et al.**  
**Worcester Superior Court C.A. No. 05-00197-B**

Dear Sir/Madam:

Enclosed for filing please find the original summons with sheriff's return of service for John P. Phelan in connection with the above-referenced case.

Thank you for your assistance in this matter.

Sincerely yours,  
**HARMON LAW OFFICES, P.C.**

Raymond C. Pelote

RCP:mj  
Enclosures